

### **REMARKS**

Claims 14, 26, 27 and 29-36 are pending in the above-identified application. In the Final Office Action dated August 31, 2007, the Examiner made the following disposition:

- A.) Objected to the specification.
- B.) Rejected claims 14, 26, 27, 29-32, 34, and 36 under 35 U.S.C. §103(a) as being unpatentable over *Hatta, et al. (Hatta)* in view of *JP 01320769 (JP '769)*.
- C.) Rejected claims 33 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Hatta, et al.* in view of *JP '769* and further in view of *JP 11140209 (JP '209)*.
- D.) Commented on claim to priority.
- E.) Claims 14, 26, 27, and 29-36 are otherwise allowable.

Applicant respectfully traverses the rejection and addresses the Examiner's disposition below.

A.) Objection to the specification:

The specification has been amended as per the Examiner's request to overcome the objection.

Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 14, 26, 27, 29-32, 34, and 36 under 35 U.S.C. §103(a) as being unpatentable over *Hatta, et al. (Hatta)* in view of *JP 01320769 (JP '769)*:

Applicant respectfully disagrees with the rejection.

Applicant's counsel hereby confirms the invention of the present application was subject to an obligation to assign to the common assignee of *Hatta*, namely Sony Corporation, at the time the present invention was made. Therefore, *Hatta* is not properly used in a rejection under 35 USC §103.

Therefore, *Hatta* in view of *JP '769* fails to disclose or suggest claims 14, 26, 27, 29-32, 34, and 36.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

- C.) Rejection of claims 33 and 35 under 35 U.S.C. §103(a) as being unpatentable over *Hatta, et al.* in view of *JP '769* and further in view of *JP 11140209 (JP '209)*:

Applicant respectfully disagrees with the rejection.

Applicant's counsel hereby confirms the invention of the present application was subject to an obligation to assign to the common assignee of *Hatta*, namely Sony Corporation, at the time the present invention was made. Therefore, *Hatta* is not properly used in a rejection under 35 USC §103.

Therefore, *Hatta* in view of *JP '769* and *JP '209* cannot render obvious claims 33 and 35.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

- D.) Comment on claim to priority:

As noted in the specification and declaration, the present application claims priority to Japanese application no. JP 2000-081860. A machine-generated translation has been submitted in this application. Applicant will submit a certified translation if necessary.

JP 2000-081860 has a filing date of March 17, 2000. Accordingly, the present application has an effective filing date of March 17, 2000, which precedes *Hatta*'s U.S. filing date.

- E.) Claims 14, 26, 27, and 29-36 are otherwise allowable:

Applicant respectfully acknowledges the Examiner's finding of allowable subject matter in claims 14, 26, 27, and 29-36. As stated above, these claims are allowable over the cited art.

## CONCLUSION

Applicant respectfully requests withdrawal of the rejections/objections and believes that the claims as presented represent allowable subject matter. If the Examiner desires, applicant welcomes a telephone interview to expedite prosecution and is available at the telephone number below.

Respectfully submitted,

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